

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Terrence Dimingo Terry, #307935,)	Civil Action No.: 6:10-2006-BHH
)	
Petitioner,)	
)	
v.)	<u>OPINION AND ORDER</u>
)	
Mr. Leroy Cartledge, <i>Warden of McCormick</i>)	
<i>Correctional Institution,</i>)	
)	
Respondent.)	

This matter is before the court on the Report and Recommendation (“Report”) of Magistrate Judge Kevin F. McDonald. The Report, which was requested by the undersigned, recommends that the stay entered in this case on September 30, 2011, by the Honorable Joseph F. Anderson, United States District Judge, be continued. (ECF No. 121.) The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. (ECF No. 121 at 4.) Neither party filed objections and the time for doing so expired on October 14, 2014.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate

Judge with instructions. See 28 U.S.C. § 636(b). The court reviews the Report and Recommendation only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

After a thorough review of the record of this matter, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the court adopts and incorporates the Report and Recommendation (ECF No. 121) by reference into this order.

It is therefore ORDERED that the stay entered in this case on September 30, 2011, by Judge Anderson be continued. The parties are directed to notify this court of issuance of the remittitur by the state appellate court within seven days of receiving such notice. This matter is returned to the Magistrate Judge for further pretrial proceedings.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

October 17, 2014
Greenville, South Carolina